

REMARKS

In the Office Action of February 24, 2006, claims 24, 29-30, and 33-34 were rejected under 35 U.S.C. §112, ¶2 as being indefinite. Claims 23, 25, 27, and 30-34 were rejected as being unpatentable over *Bercaits* U.S. Patent 6,370,843 ("*Bercaits*"). Additionally, claim 24 was rejected as being unpatentable over *Bercaits* in view of Merry U.S. Patent 5,172,629 ("*Merry*"); claim 26 was rejected as being unpatentable over *Bercaits* in view of Yamamoto U.S. Patent 3,643,308 ("*Yamamoto*"); and claim 28 and claim 29 were rejected as being unpatentable over *Bercaits* in view of Esteves U.S. Patent 5,590,509 ("*Esteves*").

After amendments herein, claims 23, 25-29, 31, and 32 remain pending for examination. Applicant submits these claims are drawn to Invention I. Applicant respectfully requests further consideration of these pending claims in view of the following remarks.

I. Applicant Confirms The Election Of Invention I For Prosecution.

As a preliminary matter, the requirement is set forth in the Office Action that Applicant confirm the provisional election made on February 13, 2006, restricting examination. As set forth in the Office Action, several independent and/or distinct inventions are found in the claims of the present application, namely:

- I. Claims 23-24 drawn to a method of compressing and packaging, classified in class 53, subclass 434.
- II. Claims 38-42 drawn to a method of compressing and packaging, classified in class 53, subclass 557.
- III. Claims 37-37 and 43-44 drawn to a packaged absorbent article, classified in class 604, subclass 385.02.

Applicant hereby confirms the provisional election to prosecute Invention I corresponding to claims 23-34. Furthermore, Applicant submits and respectfully requests that dependent claims 36 and 37 drawn to Invention II be rejoined and similarly allowed if independent claim 23 is allowed. See MPEP § 821.04(b).

II. The Rejections Under §112, ¶ 2 Are Overcome.

With regard to the rejections under §112, ¶ 2, claims 24, 30, and 33-34 are canceled. Claim 24 also has been amended to clarify that the package may comprise separate flat panels of material which are sealed in step (e) to form the airtight interior space of the package. Applicant submits that this claim language as amended is definite and that it is unnecessary to specify whether the separate flat panels of material are fed from two different sources. With regard to claim 32, “the volume” has been changed to “a volume.” In view of the foregoing, Applicant submits that the §112, ¶ 2 rejections have been overcome, and Applicant respectfully requests withdrawal of these rejections of the claims.

III. The Method of Independent Claim 23 As Amended Patentably Defines Over *Bercaits*.

Applicant has amended independent claim 23 and submits that, as amended, claim 23 patentably defines over *Bercaits*.

First, claim 23 has been amended to recite that the sanitary absorbent article is a disposable diaper. As explicitly stated in the Office Action, the term “sanitary absorbent article” was broadly interpreted to read upon the “flexible sheet material, in particular, a woven cloth” that was found to be disclosed in *Bercaits*. Applicant submits that *Bercaits* fails to disclose or suggest the claim element of a disposable diaper as now recited.

Second, claim 23 has been amended to recite that the disposable diaper is first compressed to reduce a size of the diaper, whereby the diaper exists in a compressed state, and that the diaper while in the compressed state then is located within the package. Applicant submits that *Bercaits* fails to disclose or suggest the claim element of an initial compression step as now recited.

In view of the foregoing, Applicant respectfully submits that claim 23 as amended fails to read upon *Bercaits* and that claim 23 now patentably defines over *Bercaits*. Applicant therefore respectfully requests withdrawal of the rejection of claim 23 as being rendered obvious over *Bercaits*.

IV. The Dependent Claims

Because the rejection of independent claim 23 is believed to have been overcome for the foregoing reasons, Applicant submits that the rejections of the dependent claims similarly are overcome. Applicant further does not acquiesce in the rejections of the dependent claims, but in the interest of brevity, Applicant does not *per se* address each such rejection herein.

V. Conclusion

Applicant submits that the §112, ¶ 2 and §103(a) rejections of the claims set forth in the Office Action have now been overcome, and Applicant respectfully requests withdrawal of these rejections and allowance of the claims.

Applicant additionally respectfully requested that the Examiner contact the undersigned if any further action is deemed necessary by the Examiner in order to gain allowance of the present application, and if such further action may be accomplished through an Examiner's amendment or otherwise.

Respectfully submitted,
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